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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,421	01/26/2004	Takashi Ooto	402954/SOEI	4716
23548 7590 02/26/2008 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER ANYIKIRE, CHIKAODILI E	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 02/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/763,421

**Applicant(s)**

OOTO, TAKASHI

**Examiner**

Chikaodili E. Anyikire

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argues that the prior art does not teach about a rubber buffer. The examiner arguments are moot. To further along the process an additional reference is provided.

A detailed description of the newly amended claims are follows.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being unpatentable by Cole (US 6,475,087) in view of Suzuki et al (US 6,277,968).

As per **claim 1**, Cole discloses a gaming machine comprising:

a cabinet (Fig 4, element 22; Col 7 Ln 52-59);

a door openably and closably supported by the cabinet (Fig 4, element 34; Col 7 Ln 60-65);

a liquid crystal display unit which is supported by the door and provides an image associated with a game (Fig 4, element 190; Col 8 Ln 34-44);

a transparent member which is supported by the door (Fig 4, element 66; Col 8 Ln 60-65); and

a buffer provided between the liquid crystal display unit and the door (Fig 5, element 74; Col 8 Ln 20-44).

However, Cole does not explicitly teach a rubber buffer.

In the same field of endeavor, Suzuki et al teach a rubber buffer (Col 17 Ln 9-18).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Cole in view of Suzuki et al. The advantage would be creating rhythm sensations by using the entire body and by performing stepping according to the contents which are instructed in sequence, and to provide a step-on base which is suitably used for the game.

As per **claim 2**, Cole discloses the gaming machine according to claim 1, wherein the transparent member is a glass plate or a touch panel (Fig 4, element 66; Col 8 Ln 34-44).

As per **claim 3**, Cole discloses the gaming machine according to claim 1, wherein a plurality of buffers each being identical with the buffer are provided (Fig 5, element 74; Col 8 Ln 19-33).

As per **claim 4**, Cole discloses the gaming machine according to claim 1, wherein the door (Fig 4, element 34) includes a frame supporting the liquid crystal display unit (Fig 4, element 190) through the buffer (Fig 4, 74; Col 8 Ln 9-44), the liquid crystal display unit (Fig 4, element 190) is supported by the frame at a back thereof (Col 7 Ln 52- Col 8 Ln 34), and the buffer (Fig 4, element 74) supports the liquid crystal display unit (Fig 4, element 190) and the transparent member (Fig 4, element 66) keeping a distance therebetween (Col 8 Ln 8-44).

As per **claim 5**, Cole discloses the gaming machine according to claim 1, wherein the buffer has a first groove in which the liquid crystal display unit is inserted and a second groove distant from the first groove in which the transparent member is inserted (Fig 3, elements 62-64; Col 8 Ln 26-54; the prior art discloses supports for the window and display, which would holds the window and display).

As per **claim 6**, Cole discloses the gaming machine according to claim 4, wherein the door (Fig 4, element 34) further includes a cover being supported by the frame, the cover has an opening at a center thereof (Col 7 Ln 60- Col 8 Ln 34), a front of the liquid crystal display unit (Fig 5, element 190) is exposed from the opening through the transparent member (Col 8 Ln 8-55), and

a peripheral portion of the liquid crystal display unit (Fig 5, element 190) is covered by the cover at the front (Fig 4, element 66) thereof (Col 8 Ln 8-55).

As per **claim 7**, Cole discloses the gaming machine according to claim 4, wherein the frame has a recess in which the liquid crystal display unit held by the buffer is set (Fig 4 and 5; Col 8 Ln 8-55).

As per **claim 8**, Cole discloses the gaming machine according to claim 1, wherein the door (Fig 4, element 34) includes a frame supporting the liquid crystal display unit (Fig 5, element 190) through the buffer (Fig 4, element 74; Col 8 Ln 9-44),

the liquid crystal display unit (Fig 5, element 190) is supported by the frame at a back thereof (Col 7 Ln 52 Col 8 Ln 34) and

the buffer (Fig 4, element 74) is in contact with the liquid crystal display unit (Fig 5, element 190) and the frame (Col 8 Ln 8-44).

As per **claim 9**, Cole discloses the gaming machine according to claim 8, wherein an end face of the liquid crystal display unit (Fig 5, element 190) has a hollow extending in a direction perpendicular to the end face (Col 8 Ln 6-65), and

the buffer (Fig 5, element 74) has a projection of which shape corresponds to a shape of the hollow (Col 8 Ln 4-55); and

the projection is inserted in the hollow (Col 8 Ln 5-44).

Regarding **claim 10**, arguments analogous to those presented for claim 6 are applicable for claim 10.

Regarding **claim 11**, arguments analogous to those presented for claim 7 are applicable for claim 11.

As per **claim 12**, Cole discloses the gaming machine according to claim 8, wherein the transparent member (Fig 4, element 66) has at least one corner, and the gaming machine further comprising a second buffer which covers the corner of the transparent member (Figs 4 and 5; Col 7 Ln 60 – Col 8 Ln 55).

However, Cole does not explicitly teach a rubber buffer.

In the same field of endeavor, Suzuki et al teach a rubber buffer (Col 17 Ln 9-18).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Cole in view of Suzuki et al. The advantage would be creating rhythm sensations by using the entire body and by performing stepping according to the contents which are instructed in sequence, and to provide a step-on base which is suitably used for the game.

Regarding claim 13, argument analogous to those presented for claim 8 applicable for claim 13.

Regarding claim 14, arguments analogous to those presented for claim 7 are applicable for claim 14.

As per claim 15, Cole discloses the gaming machine according to claim 13, wherein the frame has a hole in which the buffer is set (Col 8 Ln 8-55).

However, Cole does not explicitly teach a rubber buffer.

In the same field of endeavor, Suzuki et al teach a rubber buffer (Col 17 Ln 9-18).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Cole in view of Suzuki et al. The advantage would be creating rhythm sensations by using the entire body and by performing stepping according to the contents which are instructed in sequence, and to provide a step-on base which is suitably used for the game.

Regarding claim 16, arguments analogous to those presented for claim 6 are applicable for claim 16.

Regarding claim 17, arguments analogous to those presented for claim 12 are applicable for claim 17.

Regarding claim, 18, arguments analogous to those presented for claim 13 are applicable for claim 18.

As per claim 19, Cole discloses the gaming machine according to claim 18, wherein the projection has a holding portion for holding the buffer, and the buffer is held by the holding portion (Fig 3, elements 62-64; Col 8 Ln 26-54; the prior art discloses supports for the window and display, which would holds the window and display).

However, Cole does not explicitly teach a rubber buffer.

In the same field of endeavor, Suzuki et al teach a rubber buffer (Col 17 Ln 9-18).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Cole in view of Suzuki et al. The advantage would be creating rhythm sensations by using the entire body and by performing stepping according to the contents which are instructed in sequence, and to provide a step-on base which is suitably used for the game.



As per claim 20, Cole discloses the gaming machine according to claim 19, wherein the holding portion includes a cutout provided at a tip of the projection (Col 8 Ln 8-55),

the buffer (Fig 5, element 74) includes a groove which is shaped in such a way that the width of part of the buffer is equal to the width of the cutout and the width of the groove corresponds to the thickness of the projection (Col 8 Ln 5-44), and

the holding portion is set in the groove of the buffer (Fig 3, elements 62-64; Col 8 Ln 26-54; the prior art discloses supports for the window and display, which would holds the window and display).

As per claim 21, Cole discloses the gaming machine according to claim 18, wherein the frame includes an outer frame and an inner frame which is fixed to the outer frame; and the buffer is fixed to the inner frame (Figs 4 and 5; Col 8 44-65).

However, Cole does not explicitly teach a rubber buffer.

In the same field of endeavor, Suzuki et al teach a rubber buffer (Col 17 Ln 9-18).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Cole in view of Suzuki et al. The advantage would be creating rhythm sensations by using the entire body and by performing stepping according to the contents which are instructed in sequence, and to provide a step-on base which is suitably used for the game.

Regarding claim 22, arguments analogous to those presented for claim 6 are applicable for claim 22.

As per claim 23, Cole discloses the gaming machine according to claim 1,

wherein the door (Fig 4, element 34) includes a frame in which the liquid crystal display unit (Fig 5, element 190) is set from a back thereof, and a cover being supported by the frame and having an opening at a center thereof (Col 8 Ln 5-44),

the display unit (Fig 5, element 190) is exposed from the opening through the transparent member (Fig 5, 74; Col 8 Ln 5-44),

the liquid crystal display unit (Fig 5, element 190) has at least one projection on an end face thereof, the projection projects in a direction perpendicular to the end face (Col 8 Ln 5-44),

the buffer holds the projection (Fig 3, elements 62-64; Col 8 Ln 26-54; the prior art discloses supports for the window and display, which would hold the window and display), and

the cover covers a peripheral portion of the liquid crystal display unit (Fig 5, element 190) and supports the liquid crystal display unit (Fig 5, element 190) through the buffer (Fig 5, 74; Col 8 Ln 8-55).

Regarding claim 24, arguments analogous to those presented for claim 19 are applicable for claim 24.

As per claim 25, Cole discloses the gaming machine according to claim 24, wherein the holding portion includes a cutout provided at a tip of the projection (Fig 5, element 74; Col 8 Ln 5-65),

the buffer includes a groove which is shaped in such a way that the width of part of the buffer is equal to the width of the cutout and the width of the groove corresponds to the thickness of the projection, and the holding portion is set in the groove of the

buffer (Fig 3, elements 62-64; Col 8 Ln 26-54; the prior art discloses supports for the window and display, which would holds the window and display).

As per claim 26, Cole discloses the gaming machine according to claim 23, further comprising a sealing member, wherein the sealing member is in intimate contact with the peripheral portion of the transparent member and the cover (Col 7 Ln 52 – Col 8 Ln 33).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571) 270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CEA

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the word "EXAMINER" in a bold, sans-serif font. The signature is a cursive-style name that appears to be "ALEXANDER".